

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

JOHNNY EARL GATHRIGHT,

Plaintiff,

vs.

Civ. No. 00-1129 WWD/LCS ACE

THE CITY OF ALBUQUERQUE, COUNTY
OF BERNALILLO, BERNALILLO COUNTY
DETENTION CENTER, and BERNALILLO
COUNTY DETENTION CENTER CORRECTIONS
OFFICERS-JOHN DOE I AND JOHN DOE II,
in their individual capacities,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court on Bernalillo County's Motion for Summary Judgment [docket #13], filed October 20, 2000. The Court having considered the motion, the applicable law, and a previous opinion of this Court, Chavez v. City of Albuquerque, et al., 98-CV-0130 LH/LFG, finds that the motion is well taken and it will be granted. The facts noted in the Memorandum Opinion and Order granting summary judgment for Bernalillo County in the Chavez case and the uncontradicted facts set out in the affidavit filed by County Manager Juan Vigil are virtually indistinguishable in substance. Absent any meaningful distinction between the instant lawsuit and the Chavez case, Defendant Bernalillo County's motion for summary judgment will be granted. Defendant Bernalillo County shall deliver a copy of the Joint Powers Agreement to Plaintiff's counsel on or before November 9, 2000. Should Plaintiff, after reviewing the aforementioned agreement, wish to question this ruling, a motion to reconsider shall be filed on or before November 23, 2000.

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE